

ORDINANCE NO. 193

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING ORDINANCE NO. 190, AN ORDINANCE ESTABLISHING A MORATORIUM ON THE FILING OF APPLICATIONS FOR BUSINESS LICENSES AND BUILDING PERMITS FOR THE EXPANSION OF EXISTING OR THE ADDITION OF NEW FOOD OR DRINK ESTABLISHMENTS CONDUCTING SOCIAL CARD GAMES, PUNCH BOARDS, OR PULL TABS, FOR THE PURPOSE OF CLARIFYING THAT THE MORATORIUM IS DIRECTED AT LAND USE ACTIVITIES, AND DECLARING AN EMERGENCY

WHEREAS, at the time of incorporation, the City of Shoreline adopted King County land use regulations in order to regulate growth and development until such time as the City could enact its first Comprehensive Plan and the land use regulations necessary to support the Comprehensive Plan; and

WHEREAS, on November 23, 1998 the City Council enacted Shoreline's first Comprehensive Plan; and

WHEREAS, the City is currently in the process of revising its land use regulations to support the Comprehensive Plan; and

WHEREAS, as part of this process, the City is evaluating whether it will permit gambling within the City limits; and

WHEREAS, the State Legislature and State Gambling Commission have recently expanded the ability of gambling licensees to conduct social card games as a commercial stimulant for the licensee's business; and

WHEREAS, the City Council is concerned about the proliferation of gambling establishments and the impacts they may have upon the community; and

WHEREAS, the City's current zoning regulations do not address gambling establishments in a comprehensive fashion and may allow such establishments to be located in areas where the impacts associated with gambling may be detrimental to the community; and

WHEREAS, RCW 35A.63.220 authorizes cities to enact moratoriums on land use matters to preserve the status quo while new plans or regulations are considered and prepared; and

WHEREAS, the City Council enacted Ordinance No. 190 establishing a moratorium on the authorizing of new food and drink businesses and/or the expansion of existing food and drink businesses conducting social card games, punch boards, or pull tabs to preserve the status quo and to allow time to consider whether additional land use regulations may be necessary or appropriate; and

WHEREAS, the City Council wishes to clarify that the intent of Ordinance No. 190 was to address land use activities within the City of Shoreline pending the consideration or enactment of new land use regulations to implement the City's Comprehensive Plan, and not to infringe upon the statutory authority of the State Gambling Commission; and

WHEREAS, absent a declaration of a moratorium, property owners could obtain vested rights to develop their property contrary to the City's planning process; and

WHEREAS, an emergency is declared to exist in order to protect the public health, safety and welfare;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings of Fact. The "WHEREAS" clauses above shall constitute findings of fact and are incorporated by reference as if fully set forth herein.

Section 2. Ordinance No. 190 Amended.

Section 2 of Ordinance No. 190 is amended as follows:

A moratorium is hereby established upon the filing of applications for business licenses, building permits, or any other permit or approvals required for expanding existing or adding new food and drink establishments conducting social card games, punch boards, or pull tabs. No such application shall be accepted during the effective period of this moratorium.

A moratorium is hereby established upon the expansion or intensification of the gambling activities of any food and drink establishment which currently operates or conducts social card games, punch boards, or pull tabs, and no existing food and drink establishment which does not already operate or conduct such activities may begin operating or conducting same. This moratorium is applicable regardless of whether a permit is required.

Land use applications which were legally vested as of the effective date of Ordinance No. 190 shall continue to be processed as provided in the Shoreline City Code and according to the land use regulations in effect on the date of vesting.

Section 3 of Ordinance No. 190 is repealed.

Section 3. Business License Required. Any existing food or drink establishment that has been issued a business license shall be required to apply for an additional license to conduct social card games, punch boards, or pull tabs on the premises.

Section 3. Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, safety, and welfare, shall take effect and be in full force immediately upon its adoption.

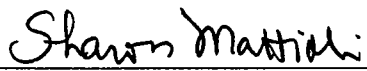
Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

PASSED BY THE CITY COUNCIL ON MARCH 22, 1999.



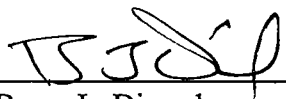
Mayor Scott Jepsen

ATTEST:



Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:



Bruce L. Disend
City Attorney

Date of Publication: March 25, 1999
Effective Date: March 22, 1999